

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

William Soto,
 Plaintiff

v.

Aria Resort & Casino, LLC, et al.,
 Defendants

2:16-cv-00064-JAD-PAL

**Order Denying Motions to Dismiss as Moot
 in Light of Amended Complaint**

[ECF 13, 14, 15, 23]

Plaintiff William Soto sues his employer, the Aria Resort & Casino, LLC, and a handful of individuals for various torts and state statutory violations related to events that occurred in the course of his job. After Aria and one of the individual defendants, Melanie Saljougui, filed motions to dismiss,¹ Soto filed an amended complaint.² Soto and Aria agreed that Aria would withdraw its motion to dismiss and have until March 18, 2016, to respond to the amended complaint.³

“It is well-established in our circuit that an ‘amended complaint supersedes the original’” and moots any motion to dismiss claims in the original complaint.⁴ Because Soto’s amended complaint mooted Aria’s and Saljougui’s motions to dismiss, I deny both of them [ECF 14, 15] as moot and without prejudice. I approve Soto and Aria’s stipulation [ECF 23] in all other respects. So Aria will have until March 18, 2016, to respond to the amended complaint; all other parties’ deadline for response is governed by FRCP 15(a)(3). And finally, I deny as moot the stipulation between Soto and Saljougui extending Saljougui’s time to respond to the original complaint [ECF 13].

¹ ECF 14, 15.

² ECF 21.

³ ECF 23.

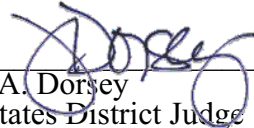
⁴ *Ramirez v. Cty. of San Bernardino*, 806 F.3d 1002, 1008 (9th Cir. 2015) (quoting *Forsyth v. Humana, Inc.*, 114 F.3d 1467, 1474 (9th Cir. 1997) (internal citation omitted)).

1 Accordingly, IT IS HEREBY ORDERED that Defendant Aria's Partial Motion to
2 Dismiss Plaintiff's Seventh Cause of Action for Alleged Violation of NRS § 200.360 and
3 Defendant Melanie Saljougui's Motion for [sic] Dismiss or, in the Alternative, for a More
4 Definite Statement **[ECF 14 and 15] are DENIED** as moot and without prejudice. **The hearing**
5 **on these motions scheduled for May 2, 2016, at 1:30 p.m. is VACATED.**

6 IT IS FURTHER ORDERED that Soto and Aria's stipulation **[ECF 23] is approved in**
7 **all other respects. Aria's deadline to respond to the amended complaint is extended to**
8 **March 18, 2016.**

9 IT IS FURTHER ORDERED that the stipulation between Soto and Saljougui extending
10 Saljougui's time to respond to the original complaint **[ECF 13] is DENIED** as moot.

11 Dated this 25th day of February, 2016

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13 Jennifer A. Dorsey
14 United States District Judge
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